



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
EDISON, NEW JERSEY 08837

**JAN - 9 2014**

**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Unichem, Inc.  
916 West Main Street  
How River, NC 27258  
Attention: Gary Harris, President

Re: Request for Information Pursuant to Section 104 of CERCLA  
Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

Dear Sir/Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at [www.epa.gov/superfund/action/law/index.htm](http://www.epa.gov/superfund/action/law/index.htm).

This letter seeks your cooperation in providing information and documents relating to the Superior Barrel and Drum Superfund Site (the "Site") located at 798 Jacob Harris Lane, (formerly New Jersey Avenue), Elk, Gloucester County, New Jersey. EPA encourages you to give this letter your immediate attention. A complete and truthful response must be provided to the attached Request for Information **within 30 days** of your receipt of this letter.

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. Our records indicate that your company may have done business with Superior Barrel and Drum Company, Inc. ("SBD"). EPA requests your cooperation with regard to answering the attached questions concerning your business relationship with SBD, if any, and providing the requested supporting documentation.

Past operations at the Site included the recycling, reprocessing and reconditioning of drums. The five and a half acre, unpaved Site consists of two former operational areas (2.4 acres and 0.32 acre in size). The main area includes a drum reprocessing building with containers located throughout. The second operational area was mainly utilized for

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storage of hundreds of full 275-gallon totes and 55-gallon drums, in addition to several trailers holding containers. Both operational areas showed signs of impact from leaking containers or dumping of materials.

On August 30, 2013 EPA On-Scene Coordinators ("OSCs") met with the New Jersey Department of Environmental Protection ("NJDEP") and Gloucester County officials at the Site. They observed thousands of containers, which appeared to be full of contents. Many were located along a public road (Jacob Harris Lane) as well as in the woods, wetlands and elsewhere throughout the property in various states of deterioration. The containers were found to be leaking, void of tops, exposed to the weather elements, rusted, damaged from gunshots, stored improperly and laying on their sides. There were also numerous open trailers also containing 55-gallon drums throughout the Site. The NJDEP collected drum samples which indicated the presence of corrosive and highly flammable materials as well as high levels of toxic chemicals.

EPA performed a removal site evaluation at the Site from September 13, 2013 through September 27, 2013 to determine the Site's eligibility for a removal action pursuant to CERCLA. Based on the results of this assessment, which confirmed the presence of CERCLA designated hazardous substances and the release or potential release of them on-site, the Site became eligible for a removal action, which commenced on September 27, 2013. Information regarding the removal can be found at the following website; <http://www.epa.gov/region2/superfund/removal/superiorbarrel/>.

While EPA seeks your cooperation in the continuing enforcement investigation, compliance with this Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information" and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject your company to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by your company to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions section which follows this letter, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the material stored at the Site, that information should be submitted within the time frame noted above.

## **Instructions for responding to request for information**

### **A. Directions**

1. A complete and separate response should be given for each question. For each question contained in this letter, if information or documents responsive to this information request are not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
3. Provide responses to the best of your company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
5. If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that your company supplement its response to EPA within 30 days from the date such information or documents became available to it.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the documents with their addresses.
8. If anything is omitted from a document produced in response to the Request for Information, state the reason for, and the subject matter of, the omission.

9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
11. Confidential Information: The information requested herein must be provided even though your company may contend that it includes confidential information or trade secrets. Your company may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, U.S.C. §§ 9604(E)(7)(e) and (F), Section 3007 (b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information your company submits to EPA, your company must prove that claim. For each document or response your company claims is confidential, your company must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by your company to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether your company asserts that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

See the enclosed Instructions for information on how to respond to the enclosed questions and/or information requests. Your response to this Request for Information should be mailed to:

Ms. Bonnie Hriczko  
Removal Action Branch  
U.S. Environmental Protection Agency, Region II  
2890 Woodbridge Avenue, MS-211  
Edison, New Jersey 08837

A copy of your reply should be sent to:

Mr. William Tucker, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, New York 10007

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Ms. Hriczko at (732) 321-6647. Inquiries from attorneys should be addressed to Mr. Tucker at (212) 637-3139.

We appreciate and look forward to your prompt response to this matter.

Sincerely yours,



Nicoletta DiForte, Senior Enforcement Policy Advisor  
Emergency and Remedial Response Division

Enclosures

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that your company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that it is not and has not been obtainable by legitimate means without your company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to your company.

#### **B. Definitions**

1. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
2. The term "Site" shall mean the 798 Jacob Harris Lane property, which comprises the Superior Barrel and Drum Company, Inc. location.
3. The terms "the Company" and "your Company" shall mean the business addressee which is the recipient of this letter and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns or agents.
4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances including, pollutants, or contaminants, whether solid, liquid; or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
5. The term "hazardous substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances, products or other nonhazardous substances.
6. The term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:

- a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. Section 9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5);
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is an industrial treatment plant sludge or supernatant;
  - i. it is an industrial byproduct having some market value;
  - j. it is coolant water or blowdown waste from a coolant system;
  - k. it is a spent product which could be reused after rehabilitation; or
  - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.
7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
9. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom this request is addressed.
10. The term "document" and "documents" includes any written, recorded computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
11. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
12. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

13. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.
14. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discarding of any Container or other closed receptacle containing any hazardous substance pollutant, or contaminant.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

### **REQUEST FOR INFORMATION**

#### **General Information about the Company**

1.
  - a. State the correct legal name of the Company.
  - b. Identify the legal status of the Company (corporation, partnership, specify if other) and the state in which the Company was organized.
  - c. State the name(s) and address(es) of the officer(s) of the Company.
  - d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the officer(s) of those organizations. Provide the same information for any further parent/subsidiary relationships.
  - e. If the Company is a successor to, or has been succeeded by, another, identify such other company and provide the same information requested above for the predecessor or successor company.
  - f. If the Company transacted business with SBD in the name of an entity not already disclosed, give the name of such entity and state its relationship to the Company.
2.
  - a. Describe in detail the nature of your Company's business during the years 1974 to the present. If the nature of the business has not been constant, describe the changes that have occurred, including any name changes, and when they occurred.



- b. Describe your Company's operations from 1974 to the present and identify all chemicals used or produced as a result of your Company's operations during that period, including any chemical substances used to clean equipment or machinery and the nature and chemical constituents of all waste streams and their disposition.

**Company's Relationship to Superior Barrel and Drum ("SBD")**

- 3.
  - a. State whether the Company or any Company facility conducted any business transactions with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").
  - b. If so, identify each such facility and describe the relationship between the Company and SBD, including the nature of services rendered or products sold to the Company;
  - c. Provide copies of any contracts or agreements between the Company and SBD;
- 4.
  - a. For each facility identified in Question 3, state the nature of the operations conducted at the facility, including the time period in which the facility operated;
  - b. State the name, address, and current RCRA Identification Number of each facility;
- 5. For each transaction between the Company and SBD, provide the following information, which may be provided in tabular format.
  - a. Identify the specific dates of each transaction and the facility involved with each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;
  - b. Identify the number of Containers that were the subject of each such transaction;
  - c. Generically describe each Container that was the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.);
  - d. Identify the intended purpose and nature of each such transaction (example: Company products sold to SBD, Company waste disposed of by SBD, Company products purchased from SBD, Services rendered to or

from the Company to or from SBD, etc.)

- e. State whether each Container that was the subject of the transaction contained any substance(s) at the time of the transaction. As to each Container that contained any substance:
  - (1) Identify each such substance, including its specific chemical constituent(s), physical state, quantity by volume and weight, and other characteristics; and
  - (2) Provide all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;
- 6. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices.
- 7. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.
- 8. If you contend that any Container identified in response to Question 5, above, did not contain any substance at the time of the transaction, state whether such Container had previously been used by the Company to contain any substance, and if so:
  - a. Identify all substances previously contained within such Container, including its specific chemical constituent(s), physical state, and other characteristic(s); and
  - b. Provide as to such substance(s), all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;
- 9. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned.
- 10. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

11. Identify each person consulted in responding to these questions and all questions on which he or she was consulted.
12. Identify any other person or entity (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.
13. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

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UNICHEM INC.  
 48-02 25<sup>TH</sup> AVE.- SUITE 307  
 Astoria, NY 11103

PS Form 3800 August 2006 See Reverse for Instructions

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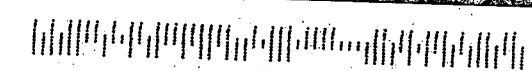
Unichem, Inc.  
 916 West Main St.

NIXIE 272582186-1N 01/29/14

RETURN TO SENDER  
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Please resend to:  
 Unichem Inc.  
 48-02 25<sup>th</sup> Ave.  
 Suite 307  
 Astoria, N.Y.  
 11103



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Unichem, Inc.  
916 West Main St.  
How River, NC 27258  
Attn: Gary Harris, President

2. Article Number  
(Transfer from service label)**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

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PS Form 3811, August 2001

Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

UNICHEM INC.  
48-02 25<sup>TH</sup> AVE.- SUITE 307  
Astonia, NY 11103

25AUG 1:36PM

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

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4. Restricted Delivery? (Extra Fee)

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